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2012 JAN 30 PM 4:48
BY: V REISINGER

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

STEVEN DEMOCKER,

Defendant

1300CR201001325

REQUEST FOR DISCLOSURE:
James Knapp's Cell Phone

(Hon. Gary Donahoe)

This Request for the following item of discovery is made pursuant to Rule 15.1, Arizona Rules of Criminal Procedure, and Brady v. Maryland, 373 U.S. 83 (1963)¹.

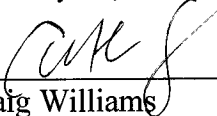
1. James Knapp's Cell phone.

The requested information is necessary to adequately evaluate and cross-examine the state's cell tower/phone expert at trial. Please contact the Defense for contact information our expert.

1. In order to comply with Brady, "the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in this case, including the police." Kyles v. Whitley, 514 U.S. 419 (1995), Strickler v. Greene, 527 U.S. 263 (1999).

In Brady, the Court held "that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." The Court has since held that the duty to disclose such evidence is applicable even though there has been no request by the accused, U. S. v. Agurs, 427 U.S. 97 (1976), and that the duty encompasses impeachment evidence as well as exculpatory evidence. U.S. v. Bagley, 473 U.S. 667 (1985). Moreover, the rule encompasses evidence "known only to police investigators and not to the prosecutor."

RESPECTFULLY SUBMITTED this January 30, 2012.



Craig Williams
Attorney at Law

Copies of the foregoing delivered this date to:

Hon. Gary Donahoe, Judge of the Superior Court (electronic e-mail)

Jeff Paupore, Steve Young, Yavapai County Attorney's Office

Greg Parzych, Attorney for Defendant

The Defendant

By: 
